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PTO/SB/21 (08-00)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------|----------------------|
| Application Number | 10/606,324 |
| Filing Date | June 25, 2003 |
| First Named Inventor | Carl R. Vanderschuit |
| Group Art Unit | 2875 |
| Examiner Name | Unknown |
| Attorney Docket Number | 9053-000075US |

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

| | | | | | | |
|---|---|---|---------|--|---------------------------------|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449 14 References Return Postcard | | | | |
| <table border="1"><tr><td>Remarks</td><td></td></tr><tr><td colspan="2">Express Mail No. EV 317349062US</td></tr></table> | | | Remarks | | Express Mail No. EV 317349062US | |
| Remarks | | | | | | |
| Express Mail No. EV 317349062US | | | | | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|-------------------------|--|--|--|
| Firm or Individual name | Anthony G. Fussner, 47,582 Harness, Dickey & Pierce, P.L.C. | | |
| Signature | | | |
| Date | May 6, 2004 | | |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|----------------------------|------|-------------|
| Typed or printed name | Anthony G. Fussner, 47,582 | | |
| Signature | | Date | May 6, 2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EV 317349062 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/606,324
Filing Date: June 25, 2003
Applicant: Carl R. Vanderschuit
Group Art Unit: 2875
Examiner: Unknown
Title: LIGHTING DEVICE
Attorney Docket: 9053-00075US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. ☒ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cross-referenced pending U.S. application listed below in Section IV, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ☐ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

EV 317349062 US

U.S. Serial Number

U.S. Filing Date

C. ____ Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ____ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been

supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☒ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☒ See the attached foreign patent office communication from a counterpart foreign application.
2. ____ English translations are provided.
3. ____ Other:

C. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ____ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. ☒ **37 C.F.R. § 1.97(b):** (check only one box)

1. ____ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. X before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

C. ____ **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. **CERTIFICATION UNDER 37 C.F.R. § 1.97(e):** (check only one box)

The undersigned hereby certifies that:

A. ____ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F. R. 1.704(d) below in section VII, if applicable; or

B. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ____ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

____ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ____ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ____ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

The attached Form HDP-1449 cites U.S. patent references for which Carl R. Vanderschuit is an inventor but that are not related to the instant application through a priority claim. Applicant presumes that the Examiner has access to the file histories of those references, and will review those file histories to the extent the Examiner feels they may be material to the patentability of the instant application. Upon the Examiner's request, Applicant can provide copies of the Office actions from these cited references to the extent Applicant has such documents in their possession.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

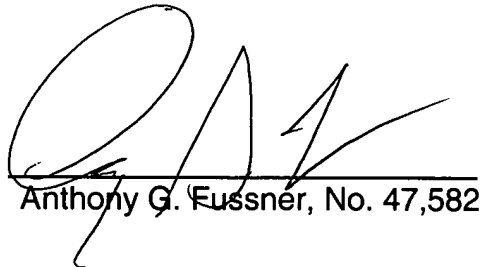
Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated:

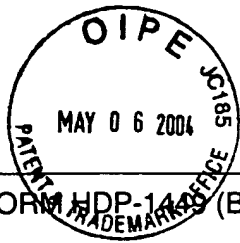
5/6/04

By:


Anthony G. Fussner, No. 47,582

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St. Louis, Missouri 63105
(314) 726-7500

AGF/dmkd



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 1 of 2

| | |
|----------------------|------------|
| ATTORNEY DOCKET NO. | SERIAL No. |
| 9053-000075US | 10/606,324 |
| APPLICANT | |
| Carl R. Vanderschuit | |
| FILING DATE | GROUP |
| June 25, 2003 | 2875 |

U.S. PATENT DOCUMENTS

| Ref. Desi | Examiner's Initials | Document Number | Date | Name | Class/ Subclass | (If appropriate) Filing Date |
|-----------|---------------------|---|----------|--------------|-----------------|------------------------------|
| 1 | | 6,416,198 | 7/9/2002 | Vanderschuit | | |
| 2. | | U.S. published application No. 20030026088 | 2/6/2003 | Vanderschuit | | |
| 3. | | U.S. pending application No. 10/341,239 entitled MOOD-ENHANCING ILLUMINATION APPARATUS | | Vanderschuit | | 01/13/2003 |
| 4. | | U.S. pending patent application No. 10/606,314 entitled LIGHTED HAT | | Vanderschuit | | 06/25/2003 |
| 5. | | U.S. pending patent application No. 10/606,325 entitled LIGHTED HAT | | Vanderschuit | | 06/25/2003 |
| 6. | | U.S. pending application No. 10/786,995 entitled THERAPEUTIC DEVICES AND METHODS FOR APPLYING THERAPY | | Vanderschuit | | 02/25/2004 |

EV 317349062 US

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | |
|--|----------------------------|-------------------|
| FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 2 of 2 | ATTORNEY DOCKET NO. | SERIAL NO. |
| | 9053-000075US | 10/606,324 |
| | APPLICANT | |
| | Carl R. Vanderschuit | |
| | FILING DATE | GROUP |
| | June 25, 2003 | 2875 |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|---------------------|---|------|--------------|-----------------|------------------------------|
| Ref. Desi | Examiner's Initials | Document Number | Date | Name | Class/ Subclass | (If appropriate) Filing Date |
| 7. | | U.S. pending application No. 10/797,251 entitled LIGHTED BALLOONS | | Vanderschuit | | 03/10/2004 |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|---------------------|---|------------|-------------|-----------------|-----------------------|---|
| Ref. Desig. | Examiner's Initials | Document Number | Date | Country | Class/ Subclass | Translation Yes No | |
| 8. | | EP 0 231 471 A | 08/12/1987 | EP | | | X |
| 9. | | DE 299 18 185 U | 01/20/2000 | Germany | | | X |
| 10. | | CH 662 931 A | 11/13/1987 | Switzerland | | | X |
| 11. | | WO 93 18358 A | 09/16/1993 | PCT | | | X |
| 12. | | United Kingdom published patent application No GB 2 392 973 A | 3/17/2004 | GB | | | |

| OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.) | | |
|--|---------------------|--|
| Ref. Desig. | Examiner's Initials | |
| 13. | | United Kingdom Combined Search and Examination Report dated January 6, 2004; Application No. GB 0326549.3; 4 pages |
| 14. | | Supplementary European Search Report dated March 1, 2004; App. No. EP 01 93 9305; 3 pages |

| | |
|------------------|-------------------------|
| Examiner: | Date Considered: |
|------------------|-------------------------|

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.